

Appl. No. 10/709,846  
Amdt. dated December 29, 2005  
Reply to Office action of October 18, 2005

### REMARKS/ARGUMENTS

*1. Claims 1-9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art (AAPA).*

**5 Response:**

Claim 1 has been amended to overcome the above rejection. Specifically, claim 1 now includes an additional limitation regarding the definition of the first region, the second region, and the third region on the  
10 substrate and the limitation for the region where the first isolation layer and the second electrode are disposed. The above limitation is included in order to further define the structural considerations given to the claimed invention and no new matter is introduced.

15 The amended claim 1 recites a substrate with a first region, a second region, and a third region **horizontally defined on the surface thereof**, and a capacitor further comprising a first electrode disposed in the first region and the third region on the substrate, a **first isolation layer covering portion of the first electrode and the substrate disposed on the**  
20 **first electrode and a second electrode covering the first electrode in the third region and covering the substrate in the second region disposed on the first isolation layer.** The applicant would like to point out that according to the amended claim 1, **the first electrode and the second electrode are partially overlapping in the third region.**

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Comparing with the attached drawing marked by the examiner and referenced from AAPA, the first region, the second region, and the third

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region are defined vertically in the capacitor 10, not horizontally in the substrate 12. The applicant asserts that the dimension and the object of definition for the regions are all different from the present application. Furthermore, according to the attached drawing, the first electrode 16 and  
5 the second electrode 22 in AAPA are overlapping each other in the first region, the second region, and the third region, which means the second electrode 22 and the first electrode 16 are completely overlapping. The first region, the second region, and the third region defined by the examiner are not only different from the present application, but also  
10 unreasonable. The present application and AAPA is different not only in the definition of the first region, the second region, and the third region, but also in the overlapping type of the first electrode and the second electrode. Therefore the applicant asserts the amended claim 1 is distinctly different from AAPA.

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Furthermore, the first isolation layer in the present application is disposed on the first electrode and covers portion of the first electrode and the substrate for isolating the partially overlapping electrodes while the isolation layer in AAPA disposed on the first electrode only. The applicant  
20 would like to point out that it is an additionally structural difference between AAPA and the present application. Reconsideration of claim 1 is politely requested.

Claims 2-9 are dependent on claim 1 and should be allowed if claim 1  
25 is allowed. Reconsideration of claims 2-9 is therefore requested.

Claim 11 is amended to overcome the above rejection. Specifically, claim 11 now includes an additional limitation regarding the limitation

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regarding the definition of the first region, the second region, and the third region on the substrate and the limitation for the region where the first isolation layer and the second polysilicon layer are disposed. The above limitation is included in order to further define the structural  
5 considerations given to the claimed invention and no new matter is introduced.

The amended claim 11 recites a capacitor disposed on a substrate with a first region, a second region, and a third region **horizontally defined on**  
10 **the surface thereof** comprising a first polysilicon layer disposed in the first region and the third region on the surface of the substrate, a dielectric layer covering a portion of the first polysilicon layer and the substrate, and a second polysilicon layer on the dielectric layer covering the first polysilicon layer in the third region and covering the substrate in the  
15 second region. The applicant would like to point out that according to the amended claim 11, the first polysilicon layer and the second polysilicon layer are partially overlapping in the third region.

Comparing with attached drawing marked by the examiner and  
20 referenced from AAPA, the first region, the second region, and the third region are defined vertically in the capacitor 10, not horizontally defined in the substrate 12. Furthermore, according to the attached drawing, the first polysilicon layer 16 and the second polysilicon layer 22 in AAPA are overlapping each other in the first region, the second region, and  
25 the third region, which means the first polysilicon layer 16 and the second electrode 22 are completely overlapping. The first region, the second region, and the third region defined by the examiner are not only different from the present application, but also unreasonable. The present

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Sincerely yours,

5 Winston Hsu

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is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)

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